

## Message Text

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PAGE 01 ATHENS 07203 01 OF 02 221055Z

15

ACTION EUR-08

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 PM-03 SP-02 L-01

INR-05 CIAE-00 OPR-01 A-01 SCA-01 SAM-01 PRS-01 /044 W

----- 063187

P R 200931Z SEP 75

FM AMEMBASSY ATHENS

TO SECSTATE WASHDC PRIORITY 0549

INFO SECDEF WASHDC

JCS WASHDC

USCINCEUR VAIHIGEN GERMANY

CINCUSNAVEUR LONDON ENG

CINCUSAFE RAMSTEIN GER

USMISSION NATO

USNMR SHAPE

USDEL MC BRUSSELS

C O N F I D E N T I A L SECTION 1 OF 2 ATHENS 7203

LIMDIS

E.O. 11652: GDS

TAGS: MARR GR US

SUBJECT: STATUS OF FORCES AGREEMENT (SOFA) SUBGROUP

SUMMARY: THE SOFA SUBGROUP MET ON 18 AND 19 SEPT-  
EMBAR AND EXAMINED ARTICLES II THROUGH V OF U.S. DRAFT.  
SUBSTANTIAL PROGRESS HAS BEEN ACHIEVED ALTHOUGH MANY  
PROBLEM AREAS REMAIN, PARTICULARLY REGARDING CUSTODY  
OF U.S. PERSONNEL AWAITING TRIAL BY GREEK COURTS AND  
COMMISSARY/PX MATTERS. END SUMMARY.

1. THE SOFA SUBGROUP MET IN EXTENDED SESSIONS ON  
18 AND 19 SEPTEMBER AND EXAMINED ARTICLES II (CRIMINAL  
JURISDICTION), III (CUSTODY), IV(ENTRY AND IDENTIFICATION  
OF PERSONNEL), AND V (COMMISSARY AND PX). ARTICLE II  
HAS BEEN AGREED AS FOLLOWS: QUOTE: ARTICLE II

1. THE GREEK AUTHORITIES, TAKING INTO ACCOUNT THE  
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PAGE 02 ATHENS 07203 01 OF 02 221055Z

PRIMARY INTEREST OF THE UNITED STATES AUTHORITIES IN THE

MAINTENANCE OF GOOD ORDER AND DISCIPLINE OF PERSONS SUBJECT TO UNITED STATES MILITARY LAW, WILL GIVE SYMPATHETIC CONSIDERATION TO A REQUEST FROM THE AUTHORITIES OF THE UNITED STATES FOR A WAIVER OF THE PRIMARY RIGHT OF THE GOVERNMENT OF GREECE TO EXERCISE JURISDICTION AS PROVIDED IN THE NATO STATUS OF FORCES AGREEMENT. NO TRIAL SHALL COMMENCE PRIOR TO THE DECISION BY THE GREEK AUTHORITIES ON A REQUEST FOR A WAIVER OF THE PRIMARY RIGHT TO EXERCISE JURISDICTION.

2. IN THOSE CASES WHERE, IN ACCORDANCE WITH THE FOREGOING PARAGRAPH, THE GREEK AUTHORITIES HAVE WAIVED THE PRIMARY RIGHT TO EXERCISE JURISDICTION, THE COMPETENT UNITED STATES AUTHORITIES SHALL INFORM THE GOVERNMENT OF GREECE OF THE DISPOSITION OF EACH SUCH CASE.

3. IN CASES WHERE THE GOVERNMENT OF GREECE EXERCISES CRIMINAL JURISDICTION OVER MEMBERS OF THE UNITED STATES FORCES, MEMBERS OF THE CIVILIAN COMPONENT, OR DEPENDENTS OF SUCH MEMBERS, AS PROVIDED FOR IN ARTICLE VII OF THE NATO STATUS OF FORCES AGREEMENT, THE ACCUSED SHALL BE ENTITLED TO HAVE A REPRESENTATIVE OF THE UNITED STATES GOVERNMENT PRESENT DURING THE TRIAL AND PRETRIAL PROCEEDINGS. THE TRIAL OF SUCH CASES SHALL BE PUBLIC EXCEPT WHEN THE COURT DECREES OTHERWISE IN ACCORDANCE WITH GREEK LAW.

4. IN CASES WHERE THE MILITARY AUTHORITIES OF THE UNITED STATES EXERCISE CRIMINAL JURISDICTION OVER MEMBERS OF THE UNITED STATES FORCES, AS PROVIDED FOR IN ARTICLE VII OF THE NATO STATUS OF FORCES AGREEMENT, THE GOVERNMENT OF GREECE SHALL BE ENTITLED TO HAVE A REPRESENTATIVE PRESENT DURING THE TRIAL PROCEEDINGS. UNQUOTE.

COMMENT: THE AGREED TEXT OF ARTICLE II IS SUBSTANTIALLY THE SAME AS THE U.S. DRAFT. PARA 3 HAS BEEN MODIFIED TO RECOGNIZE THAT UNDER GREEK LAW TRIALS MUST BE PUBLIC UNLESS THE COURT CONCERNED DECREES THAT PUBLIC MORALS OR NATIONAL SECURITY REQUIRE OTHER-CONFIDENTIAL

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PAGE 03 ATHENS 07203 01 OF 02 221055Z

WISE. END COMMENT.

2. ARTICLE III (CUSTODY) COULD NOT BE AGREED. HOWEVER, THE GENERAL OUTLINE OF A POSSIBLE COMPROMISE ON THIS ISSUE CAN BE DISCERNED. THE GREEKS INITIALLY REJECTED THE U.S. PROPOSAL OUT OF HAND AND SUBMITTED A COUNTER PROPOSAL WHEREIN THE GREEK GOVERNMENT WOULD RETAIN CUSTODIAL AUTHORITY IN ALL CASES TO BE TRIED

BY GREEK COURTS BUT WOULD GIVE QUOTE: SYMPATHETIC CONSIDERATION UNQUOTE TO REQUESTS FOR THE TRANSFER OF CUSTODY TO THE U.S. IN PARTICULAR CASES. HOWEVER, AFTER DETAILED PRESENTATION OF U.S. DRAFT PROPOSAL, U.S. SIDE RECEIVED IMPRESSION THAT GREEKS MIGHT BE RECEPTIVE TO U.S. APPROACH IF IT WERE TAILORED MORE CLOSELY TO GREEK LAW. THE GREEKS EXPLAINED THAT THEIR PENAL CODE SEPARATES CRIMINAL OFFENSES INTO THREE CATEGORIES: CRIMES (ACTS OF COMMISSION PUNISHABLE BY MORE THAN 5 YEARS CONFINEMENT), DELICTS (ACTS OR OMISSIONS PUNISHABLE BY CONFINEMENT FOR MORE THAN ONE MONTH BUT LESS THAN 5 YEARS) AND CONTRAVENTIONS (ACTS OR OMISSIONS PUNISHABLE BY LESS THAN ONE MONTH'S CONFINEMENT.) THE U.S. SIDE SUGGESTED THAT PARAS 1 AND 2 OF U.S. DRAFT ARTICLE III MIGHT BE REVISED TO COVER "CRIMES" AND "DELICTS AND CONTRAVENTIONS" RESPECTIVELY. THE GREEK SIDE INDICATED THAT THEY WOULD BE PREPARED TO RESPOND TO THIS SUGGESTION ON SEPTEMBER 22.

3. PARAGRAPHS 1, 2 AND 3 OF ARTICLE IV HAVE BEEN AGREED AS FOLLOWS:

QUOTE 1. THE GOVERNMENT OF GREECE SHALL NOT REQUIRE THE COUNTERSIGNATURE OF MOVEMENT ORDERS.

2. MEMBERS OF THE CIVILIAN COMPONENT AND DEPENDENTS ENTERING OR DEPARTING GREECE MUST HAVE IN THEIR POSSESSION A VALID PASSPORT INDICATING THEIR STATUS. VISAS SHALL NOT BE REQUIRED.

3. MEMBERS OF THE CIVILIAN COMPONENT SHALL BE EXEMPT FROM REGISTRATION AND CONTROL AS ALIENS. DEPENDENTS SIMILARLY SHALL BE EXEMPT FROM SUCH REGISTRATION.  
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PAGE 04 ATHENS 07203 01 OF 02 221055Z

TION AND CONTROL PROVIDED THEY DO NOT ENGAGE IN RE-NUMERATED WORK IN GREECE. UNQUOTE

COMMENT: PARAGRAPHS 1 AND 2 ARE TAKEN VERBATIM FROM THE U.S. DRAFT. PARAGRAPH 3 IS PREMISED UPON THE FIRST SENTENCE OF THE CORRESPONDING PARAGRAPH OF THE U.S. DRAFT BUT HAS BEEN EXPANDED TO MEET GREEK INSISTENCE THAT DEPENDENTS WISHING TO SECURE EMPLOYMENT IN THE GREEK ECONOMY BE REQUIRED TO OBTAIN AN APPROPRIATE ALIEN WORK PERMIT. IT WAS UNDERSTOOD BY BOTH SIDES THAT DEPENDENTS SUBSEQUENTLY EMPLOYED BY THE U.S. FORCES WERE EXEMPT FROM THIS REQUIREMENT SINCE UPON BECOMING EMPLOYED THEY ASSUME THE ADDITIONAL STATUS OF MEMBERS OF THE CIVILIAN COMPONENT.  
END COMMENT.

4. THE GREEK SIDE PROPOSED A SEPARATE PROVISION UNDER ARTICLE IV WHICH WOULD EXPAND THE LAST SENTENCE OF ARTICLE IV, PARAGRAPH 3 OF THE U.S. DRAFT, INTO A SEPARATE PARAGRAPH, AS FOLLOWS:

QUOTE 4. THE NAMES OF MEMBERS OF THE FORCES AND OF THE CIVILIAN COMPONENT, THEIR PRECISE DUTIES AND THE PLACE OF THEIR LOCATION IN GREECE, AS WELL AS THE NAMES OF THEIR DEPENDENT PERSONS, WILL BE MADE KNOWN TO THE GREEK AUTHORITIES AT THE LATEST FIFTEEN DAYS AFTER THEIR ARRIVAL IN GREECE. THE DATE OF DEPARTURE OF THE AFREMENTIONED PERSONS WILL ALSO BE NOTIFIED TO THE SAME AUTHORITIES WITH FIFTEEN DAYS AFTER SUCH DEPARTURE. UNQUOTE

THE U.S. SIDE OBJECTED TO ANY REQUIREMENT FOR THE PROVISION OF A LIST OF NAMES AND SPECIFIC DUTIES OF MEMBERS OF THE FORCE AS UNNECESSARY AND ADMINISTRATIVELY BURDENSOME. THE U.S. SIDE SUGGESTED AS AN ALTERNATIVE THAT THE NUMBER, COMPOSITION AND LOCATION OF THE U.S. MILITARY FORCES IN GREECE COULD BE PROVIDED UPON REQUEST. ADDITIONALLY, THE U.S. SIDE AGREED TO STUDY THE GREEK PROPOSAL INsofar AS IT WOULD COVER MEMBERS OF THE CIVILIAN COMPONENT AND DEPENDENTS AND TO PREPARE A COUNTER-DRAFT FOR GREEK  
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PAGE 05 ATHENS 07203 01 OF 02 221055Z

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PAGE 01 ATHENS 07203 02 OF 02 201055Z

11  
ACTION EUR-08

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 PM-03 SP-02 L-01

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P R 200931Z SEP 75

FM AMEMBASSY ATHENS  
TO SECSTATE WASHDC PRIORITY 0550  
INFO SECDEF WASHDC  
JCS WASHDC  
USCINCEUR VAIHAIGEN GERMANY  
CINCUSNAVEUR LONDON ENG  
CINCUSAFE RAMSTEIN GERMANY  
USMISSION NATO  
USNMR SHAPE  
USDEL MC BRUSSELS

C O N F I D E N T I A L SECTION 2 OF 2 ATHENS 7203

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MUNERATED WORK IN GREECE. UNQUOTE

COMMENT: PARAGRAPHS 1 AND 2 ARE TAKEN VERBATIM FROM THE U.S. DRAFT. PARAGRAPH 3 IS PREMISED UPON THE FIRST SENTENCE OF THE CORRESPONDING PARAGRAPH OF THE U.S. DRAFT BUT HAS BEEN EXPANDED TO MEET GREEK INSISTENCE THAT DEPENDENTS WISHING TO SECURE EMPLOYMENT IN THE GREEK ECONOMY BE REQUIRED TO OBTAIN AN APPROPRIATE ALIEN WORK PERMIT. IT WAS UNDERSTOOD BY BOTH SIDES THAT DEPENDENTS SUBSEQUENTLY EMPLOYED BY THE U.S. FORCES WERE EXEMPT FROM THIS REQUIREMENT SINCE UPON BECOMING EMPLOYED THEY ASSUME THE ADDITIONAL STATUS OF MEMBERS OF THE CIVILIAN COMPONENT. END COMMENT.

4. THE GREEK SIDE PROPOSED A SEPARATE PROVISION UNDER ARTICLE IV WHICH WOULD EXPAND THE LAST SENTENCE OF ARTICLE IV, PARAGRAPH 3 OF THE U.S. DRAFT, INTO  
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PAGE 02 ATHENS 07203 02 OF 02 201055Z

A SEPARATE PARAGRAPH, AS FOLLOWS:

QUOTE 4. THE NAMES OF MEMBERS OF THE FORCES AND OF THE CIVILIAN COMPONENT, THEIR PRECISE DUTIES AND THE PLACE OF THEIR LOCATION IN GREECE, AS WELL AS THE NAMES OF THEIR DEPENDENT PERSONS, WILL BE MADE KNOWN TO THE GREEK AUTHORITIES AT THE LATEST FIFTEEN DAYS AFTER THEIR ARRIVAL IN GREECE. THE DATE OF DEPARTURE OF THE AFREMENTIONED PERSONS WILL ALSO BE NOTIFIED TO THE SAME AUTHORITIES WITH FIFTEEN DAYS AFTER SUCH DEPARTURE. UNQUOTE

THE U.S. SIDE OBJECTED TO ANY REQUIREMENT FOR THE PROVISION OF A LIST OF NAMES AND SPECIFIC DUTIES OF MEMBERS OF THE FORCE AS UNNECESSARY AND ADMINISTRATIVELY BURDENSOME. THE U.S. SIDE SUGGESTED AS AN

ALTERNATIVE THAT THE NUMBER, COMPOSITION AND LOCATION OF THE U.S. MILITARY FORCES IN GREECE COULD BE PROVIDED UPON REQUEST. ADDITIONALLY, THE U.S. SIDE AGREED TO STUDY THE GREEK PROPOSAL INsofar AS IT WOULD COVER MEMBERS OF THE CIVILIAN COMPONENT AND DEPENDENTS AND TO PREPARE A COUNTER-DRAFT FOR GREEK CONSIDERATION.

5. ARTICLE V (COMMISSARY/PX MATTERS) OF THE U.S. DRAFT WAS EXAMINED IN DETAIL WITH THE GREEK SIDE EXPRESSING DISAPPOINTMENT WITH ITS PROVISIONS. THE GREEKS PRESENTED WHAT THEY TERMED FIVE GENERAL PRINCIPLES UPON WHICH, IN THEIR VIEW, ANY PROVISIONS COVERING COMMISSARIES, PX'S, ET AL, HAD TO BE BASED: (1) ALL COMMISSARY/PX ACTIVITIES SHOULD BE LOCATED WITHIN THE U.S. FACILITIES UNLESS THE GREEK GOVERNMENT SPECIFICALLY AGREED TO THEIR LOCATION OFF-BASE; (2) THE NUMBER OF SUCH ACTIVITIES SHOULD BE QUOTE LOGICAL UNQUOTE TO MEET THE REAL NEEDS OF U.S. PERSONNEL; (3) ONLY MEMBERS OF THE FORCE, THE CIVILIAN COMPONENT, AND THEIR DEPENDENTS WOULD HAVE ACCESS TO SUCH FACILITIES. (HOWEVER, THEY WOULD AGREE TO A SEPARATE EXCHANGE OF NOTES TO COVER OTHER U.S. PERSONNEL ENTITLED TO DUTY-FREE PRIVILEGES.) (4) THE COMMISSARY SHOULD UNDERTAKE THE OBLIGATION TO SELL CONSUMABLE, CONFIDENTIAL  
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PAGE 03 ATHENS 07203 02 OF 02 201055Z

PRINCIPALLY PERISHABLE, OF GREEK ORIGIN; (5) COMMISSARY AND PX ACTIVITIES WOULD BE QUOTE CONTROLLED UNQUOTE BY GREEK CUSTOMS AUTHORITIES PURSUANT TO A TECHNICAL ARRANGEMENT TO BE GREEK. THE GREEK SIDE ALSO PROPOSED THAT COMMISSARY/PX MATTERS BE INCORPORATED INTO ARTICLE VII OF THE U.S. DRAFT SO AS TO BE LESS CONSPICUOUS WHEN THE SOFA AGREEMENT IS PRESENTED TO PARLIAMENT.

6. THE U.S. SIDE DISCUSSED EACH OF THE FOREGOING FIVE PRINCIPLES AND DETERMINED THAT THERE WAS CONSIDERABLE FLEXIBILITY ON THE GREEK SIDE ON THESE MATTERS. THE U.S. SIDE AGREED TO PREPARE A REDRAFT WHICH WOULD INCORPORATE THE GREEK PRINCIPLES TO THE EXTENT THAT THEY COULD BE ACCEPTED BY THE U.S. IT WAS EXPLAINED THAT THIS WOULD REQUIRE THE PARTICIPATION OF WASHINGTON EXPERTS AND WOULD NOT BE AVAILABLE UNTIL THE NEXT SERIES OF SOFA SUBGROUP MEETINGS. (THE U.S. SIDE USED THIS OPPORTUNITY TO SUGGEST THAT THE NEXT SERIES OF SOFA TALKS BE HELD IN WASHINGTON. THE GREEK SIDE AGREED TO CONSIDER THIS PROPOSAL.)

7. COMMENT: NOTWITHSTANDING THE LACK OF GREEK ACCEPTANCE OF ARTICLE V OF THE U.S. DRAFT AS WRITTEN,

AND DESPITE THE PRESENTATION OF THE FIVE SO-CALLED  
GREEK PRINCIPLES, WE ARE CONFIDENT THAT A REASONABLE  
RESOLUTION OF THE COMMISSARY/PX ISSUE WILL BE OBTAINED.  
END COMMENT.  
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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, STATUS OF FORCES AGREEMENTS, COMMITTEE MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 20 SEP 1975  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975ATHENS07203  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750327-0797  
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**Handling Restrictions:** n/a  
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**Legacy Key:** link1975/newtext/t19750931/aaaabbdg.tel  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** LIMDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 7  
**Previous Channel Indicators:** n/a  
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**Previous Handling Restrictions:** LIMDIS  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 22 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <22 APR 2003 by BoyleJA>; APPROVED <09 OCT 2003 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** STATUS OF FORCES AGREEMENT (SOFA) SUBGROUP SUMMARY: THE SOFA SUBGROUP MET ON 18 AND 19 SEPT-  
**TAGS:** MARR, GR, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006